

REMARKS

Claims 1-41 are currently pending in the subject application and are presently under consideration. As described in detail below, claims 1, 9, 11, 13, 26, 28, 34, 37, and 41 have been amended as shown on pp. 2-8 of the Reply for greater clarity.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. 1-22-07 Telephonic Interview

Initially, Applicants wish to gratefully acknowledge the Examiner's consideration of the present application via a telephonic interview conducted on January 22, 2007. In this regard, Applicants especially appreciate the Examiner's discussion of the outstanding rejection based on US 6,366,934 (Cheng). In particular, the claim language "mode information that specifies, within the query itself, a hierarchical data stream organization," was discussed per the previous recitation of the various independent claims.

Specifically, it was posited to Applicants that "anything changeable in a query," such as a table name, *indirectly* affects what data is returned from a database, and thus "any change to a query" could be considered "mode information." While, in this respect, Applicants respectfully submit that merely changing a table name is not "mode information included in the query itself," especially when the term "mode information" is considered in light of Applicants' specification, Applicants have nonetheless introduced amendments to provide greater clarity around the "mode information" included in a query itself according to Applicants' invention.

In this regard, with Applicants invention, there are a variety of different modes from which to choose for purposes of organizing the *same data* of a hierarchical data stream returned by the same query. In contrast, changing a table name of a query changes the query itself into a new query, and will change the actual data returned into the hierarchical data stream. This distinction is highlighted in greater detail below.

II. Summary of the Invention

With the invention, a request for a hierarchical data stream, such as an XML stream, specifies a mode from a set of different modes for organizing the information returned in the XML stream.

For instance, in a first mode, primary-foreign key information is utilized when generating the data stream to organize the data stream. In another mode, the order of the tables in the query defines the organization of the data stream. In yet another mode, an explicit definition of the organization of the stream is contained in the query, including nesting information.

In this regard, depending upon which mode of a set of modes is designated in the query, the resulting data stream is organized differently. Applicants respectfully submit that the prior art does not teach or suggest the designation of a mode from a set of modes that defines the way a data stream is organized when returned from the query.

II. Rejection of Claims 1-41 Under 35 U.S.C. § 102(e)

Claims 1-41 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Cheng, et al. (US 6,366,934). As mentioned above, the outstanding rejection was discussed in a telephonic interview on January 22, 2007 and Applicants have amended the independent claims herein to reflect that the mode information of Applicants' invention, specified within the query itself, is designated from a plurality of modes.

In sum, Applicants invention teaches the ability, for the same query, to designate a mode from a set of pre-defined modes for organizing a hierarchical data stream retrieved via the query. Thus, the same query can designate a first mode of the modes for organizing the hierarchical stream in which case the hierarchical stream is organized according to the first mode. Or, the same query could be formulated designated a second mode of the modes for organizing the hierarchical stream in which case the hierarchical stream is organized according to the second mode.

In this regard, Cheng cannot be said to teach or suggest designating a mode from a plurality of modes. Col. 21, lines 7-9 are referred to in the Official Action for support that Cheng et al. discloses a query including mode information that specifies, within the query itself, a hierarchical data stream organization. The pseudo-code represented at Col. 21, lines 7-9, however, merely reads as follows:

```
SELECT xmlToBuff (book) from first_book
WHERE name = 'Sriram Srinivasan'
EXEC SQL OPEN c1;
```

As Applicants understand matters, the Examiner's position discussed in the telephonic

interview was that changing the target table of the query, e.g., from `first_book` to `second_book`, would change the resultant organization of the data stream returned, and thus qualifies as mode information, however indirect, implicit or unintended such change might be. Yet, Applicants respectfully submit that changing a target table of the query of Cheng changes the query of Cheng itself to a new query with a new purpose with respect to a new table. Cheng thus does not teach or suggest designating a mode from a plurality of modes in a query that specifies how the stream is organized, but rather suggests the ability to write a new separate query to retrieve different data.

Accordingly, nowhere can the above SELECT statement teach or suggest a query including mode information designated from a plurality of modes that specifies, within the query itself, a hierarchical data stream organization. In this regard, as mentioned, the above SELECT statement is merely understood to operate only one way, i.e., if the table name or other aspect of the query of Cheng is changed, the SELECT statement is still handled by the system the same way, only the query is a new query retrieving different data. Thus, Col. 21, lines 7-9 cannot be said to teach or suggest mode information designated from a plurality of modes that specifies, within the query itself, a hierarchical data stream organization.

For at least the same reasons, Applicants respectfully submit that Cheng cannot be said to teach or suggest a query including mode information designated from a plurality of modes that specifies, within the query itself, a hierarchical data stream organization (claims 1, 9), a query including mode information designated from a plurality of modes that specifies, within the query itself, an extensible Markup Language (XML) data stream-organization (claim 11), a query specifying a mode designated from a plurality of modes for organizing information (claim 13), a query including mode information designated from a plurality of modes defining the XML data (claim 27), a query including mode information designated from a plurality of modes that specifies, within the query itself, an extensible Markup Language (XML) data stream organization by a primary-foreign key relationship (claim 28), a query having a number of tables included in the query that define the XML data stream, with the data stream organized according to the order of the tables in the query (claim 32), a query in which the XML data stream has an organizational structure defined in the query by a mode of a plurality of modes (claim 34), a query in which the hierarchical data stream has an organizational structure explicitly defined in the query (claim 37), or a query including information for generating a universal table (claim 40), when read together with the other limitations of claims 1, 9, 11, 13, 27, 28, 32, 34, 37 or 40.

Reconsideration and withdrawal of the outstanding rejection under 35 U.S.C. § 102(c) is thus respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP1470USB].

Should the Examiner believe an additional telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Thomas E. Watson/

Thomas E. Watson

Reg. No. 43,243

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731